

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

FAIR FIGHT ACTION, *et al.*,

Plaintiffs

v.

BRAD RAFFENSPERGER, in his
official Capacity as Secretary of State of
Georgia; *et al.*,

Defendants.

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Civil Action File

No. 1:18-cv-05391-SCJ

DEFENDANTS' STATUS REPORT REGARDING DISCOVERY

Defendants Secretary Raffensperger, the State Election Board, and State Election Board Members Seth Harp, Rebecca Sullivan, and David Worley submit this report to the Court, in accordance with the Court's January 30, 2020, Order requiring weekly status reports.

I. Defendants' Ongoing Document Review and Production.

Since Defendants' February 7, 2020, Status Report, [Doc. 221], Defendants have continued to review and produce responsive documents to Plaintiffs. Defendants believe we are still on track to complete productions, on a rolling basis, by February 28, 2020.

A. Defendants' Recent and Forthcoming Productions.

Defendants provided **Production 29** to Plaintiffs on February 7, 2020. This production contains incoming complaint emails, identified after resolving the indexing issue, and documents responsive to Plaintiffs' search terms. The documents are Bates Numbered STATE-DEFENDANTS-00234925–STATE-DEFENDANTS-00335175. Defendants anticipate providing another production of documents responsive to Plaintiffs' search terms as soon as this afternoon. Defendants will continue making rolling productions until all documents captured by Plaintiffs' search terms have been reviewed.

B. Status of Declarant Depositions

Defendants scheduled two declarant depositions. The first, of Ms. Deidra Reed, and the second, of Dr. Carlos Del Rio. Only the deposition of Ms. Reed, not on Defendants' "priority list," was conducted this week (on February 12, 2020). Defendants received Ms. Reed's Declaration, signed October 28, 2019, on November 7, 2019 (Bates Number PLTFS001004–PLTFS001008). Unfortunately, as has been common with many declarants, Defendants received notice that Ms. Reed would not be attending the deposition about an hour beforehand but proceeded to depose her by telephone. Dr. Del Rio on the other hand is specifically named in Plaintiffs'

Amended Complaint, [Doc. 41 ¶¶ 87–88]; he is on Defendants’ priority list and is scheduled for a deposition next week.

Once Defendants receive the Court-ordered final list of declarants, [Doc. 225], Defendants will re-assess the most efficient way to depose Plaintiffs’ declarants and confer with opposing counsel.

II. Status of Expert Discovery

Defendants are not aware of any additional Expert Reports filed by Plaintiffs since February 7, 2020.

A. Defendants’ Experts

There are currently no pending reports from Defendants. After Plaintiffs file additional expert reports as required by the Second Amended Scheduling Order, [Doc. 228], Defendants will notify the Court and Plaintiffs about any additional responsive reports.

B. Plaintiffs’ Experts

As was the case on February 7, 2020, Defendants have not yet received reports from the following experts identified by Plaintiffs:

- Dr. Alex Halderman;
- Dr. Michael Herron;
- Mr. John Lesner;
- Dr. Kenneth Mayer;

- Dr. Peyton McCrary; and
- Dr. Michael McDonald.

With the understanding that relevant expert reports will be filed by February 17, 2020, the parties have scheduled the following expert depositions:

- Dr. Halderman in Detroit, Michigan on February 25, 2020;
- Dr. Graves in Boston, Massachusetts on February 25, 2020;
- Dr. Mayer in Wisconsin on February 26, 2020;
- Dr. McDonald in Atlanta on February 28, 2020; and
- Dr. Herron in New York on February 26, 2020.

Respectfully submitted this 14th day of February 2020.

/s/ Josh Belinfante

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), I hereby certify that the foregoing
DEFENDANTS' STATUS REPORT REGARDING DISCOVERY was
prepared double-spaced in 13-point Century Schoolbook font, approved by the
Court in Local Rule 5.1(C).

/s/ Josh Belinfante
Josh Belinfante